## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 55-62 are currently pending. Claims 36-54 have been canceled without prejudice; and Claims 55-62 have been added by the present amendment.

In the outstanding Office Action, the specification was objected to regarding the use of the symbols "<<" and ">>" in the specification; Claims 44-54 were rejected under 35 U.S.C. §112, first paragraph; and Claims 36-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,592,546 to Fascenda et al. (hereinafter "the '546 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on August 26, 2004, at which time new proposed claims were discussed. In particular, support in the originally filed specification for the new claims was discussed. At the conclusion of the interview, the Examiner agreed that proposed new claims were likely not anticipated by the '546 patent. However, no agreement was reached pending the Examiner's further consideration of the claims and further search of the prior art upon formal submission of a response to the outstanding Office Action.

Applicants respectfully submit that the objection to the specification is rendered moot by the present amendment to the specification. The specification has been amended to delete the "<<" and ">>" symbols.

Applicants respectfully submit that the rejection of Claims 44-54 under 35 U.S.C. §112 is rendered moot by the present cancellation of those claims.

Applicants respectfully submit that the rejection of Claims 36-54 under 35 U.S.C. §103(a) is rendered moot by the present cancellation of those claims.

The present amendment also sets forth new Claims 55-62 for examination on the merits.

New Claim 55 is directed to a method for playing a lottery game, comprising, *inter alia*: (1) providing a computer connected to a precision timer and to a time characteristics measuring device; (2) providing at least one portable memory device to a lottery game participant the portable memory device being connectable to the computer and including at least a microprocessor, and a timer unit, a memory, and an input-output device, each interconnected with the microprocessor; (3) connecting the portable memory device to the computer; (4) measuring at least one of a frequency f and a period t of data N (wherein N is a number) outputted from the timer unit; (5) reading off and storing data T1 output from the precision timer, wherein T1 is a time value; (6) reading off and storing data N1 (wherein N1 is a number) output from the timer unit at a moment when the data T1 are output from the precision timer; (7) disconnecting the portable memory device from the computer;
(8) providing the lottery game participant with access to at least one portable memory device and allowing the lottery game participant to play the lottery game during which the information regarding the lottery game is registered; (9) receiving i-th proposed information associated with the lottery game, which is inputted by the lottery game participant, wherein i is an integer; (10) reconnecting the portable memory device to the computer and reading off the recorded i-th proposed information and corresponding data N(i), wherein N(i) is a number; (11) comparing the i-th proposed information with the true information and calculating, in the computer, a time moment T(i) of recording the i-th information by a formula $T(i)=T1+[N(i)-N1]*P$, wherein $P=1/f$ or $P=t$; and (12) determining a prize for the lottery game participant based on the calculated time moment T(i).

New independent Claim 55 is supported by the originally filed specification and does

not add new matter. Applicants wish to indicate with particularity how the limitations recited

in Claim 55 are supported by the originally filed specification and drawings. The computer

recited in Claim 55 is supported, for example, by the information processing means 21 shown

in Figure 1. Further, the precision timer is supported, for example, by the measuring means

16 shown in Figure 1 and the time characteristics measuring device is given, for example, by

the temporal characteristics measuring means 14 shown in Figure 1.[1] The portable memory

device recited in Claim 55 is given, for example, by the memory device 4 shown in Figure 1.

Further, Figure 2 shows an example of a microprocessor 32, a timer unit 27, and an input-

output device 29. Measurement of the time parameters f and t of the data N output from the

timer unit is disclosed on pages 13 and 14. The reading of the data T1 and N1 is disclosed on

page 14. Reconnecting of the portable memory device to the computer and reading the

recorded information and data N(i) is disclosed on pages 13 and 14 of the specification. The

comparison of the true information and the recorded information is disclosed on page 7 of the

specification.

Further, Applicants note that the formulas used in the claims are fully supported by

the specification. In particular, the equation recited in Claim 55 is given on page 16, line 34,

except that T1 has been replaced with T, and P1 has been replaced with P in the claims.

Further, Applicants note that the equation recited in Claim 56 is shown on page 17, line 12,

except that T2(i) has been replaced with T(i), and the term P2 has been replaced by the term

P in the claims. Further, the equation recited in Claim 57 is given, for example, on page 17,

line 32. Claim 58 is supported by the discussion of the error formulas given on pages 18-20

---

[1] See also page 8 of the specification for a description of the connection of the portable memory device to the computer.

of the specification. Finally, Applicants generally direct the Examiner's attention to Figure 3

and the discussion in the specification on pages 15-20 for support for new Claims 55-62.

Regarding the references applied in the rejection of cancelled Claims 36-54, the '546

patent is directed to a system for allowing remote participants to predict football plays while

watching a football game. As shown in Figure 3, the '546 patent discloses that after a

participant enters a play, the entering time is recorded in step 34. However, Applicants

respectfully submit that the '546 patent fails to disclose the steps of (1) connecting the

portable memory device to the computer, (2) measuring at least one of a frequency f or a

period t of data N output from a timer unit of the portable memory device and recording a

data of the measured frequency or period in the computer, (3) reading off and storing data

output from a precision timer, and (4) reading off and storing data output from the timer unit

at a moment when the data is output from the precision timer, as recited in new Claim 55.

Further, the '546 patent fails to disclose that, after the portable memory device is

disconnected from the computer and the lottery game is played, the portable memory device

is reconnected to the computer and a time T(i) is calculated according to the formula recited

in Claim 55. Further, Applicants note that, contrary to the disclosure of the '546 patent, the

portable memory device recited in Claim 55 is disconnected when the lottery game

participant inputs the i-th proposed information, and the computer cannot read the entered

data and the corresponding time data until the portable memory device is reconnected to the

computer. Accordingly, for the reasons stated above, Applicants respectfully submit that

Claim 55 (and dependent Claims 56-58) patentably define over the '546 patent.

New Claim 59 recites limitations analogous to the limitations recited in Claim 55.

Accordingly, for the reasons stated above, Applicants respectfully submit that new Claim 59

(and dependent Claims 60-62) patentably define over the '546 patent. Further, Applicants

note that Claim 59 is directed to a method of determining a time of recording information into a portable memory device that is connected to a computer and recites the steps of (1) connecting the portable memory device to the computer; (2) measuring at least one of a frequency f and a period t of data output from a timer unit; (3) disconnecting the portable memory device from the computer; (4) reconnecting the portable memory device to the computer; and (5) calculating a time when information was recorded in the portable memory device. Accordingly, Applicants respectfully submit that new Claim 59 produces a concrete, tangible, and useful result and is directed to statutory subject matter under 35 U.S.C. § 101.

Thus, it is respectfully submitted that new independent Claims 55 and 59 (and all associated dependent claims) patentably define over the '546 patent.
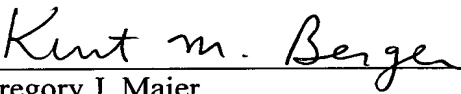
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KMB/rac

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Kurt M. Berger, Ph.D.
Registration No. 51,461

GJM/KMB/ jyh

I:\ATTY\KMB\204's\204271US\204271US-AM1.DOC

31